

BY Bene

S.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.014, Water Code (effective until delegation of NPDES permit authority), is amended to read as follows:

Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of the commission and employees and agents of the commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state.

(b) The authority granted under this section to a member, employee, or agent of the commission includes the right to:

(1) take photographs;

(2) collect surface water samples and subsurface and groundwater samples;

(3) collect soil samples; and

(4) copy records required to be kept at the facility by this code, the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), or commission rule.

(c) Members, employees, or agents acting under this authority who enter private property shall observe the establishment's rules

1 and regulations concerning safety, internal security, including
2 protection and controls against noxious plants, and communicable
3 livestock diseases, and fire protection, and if the property has
4 management in residence, shall notify management or the person then
5 in charge of his presence and shall exhibit proper credentials.
6 For the purposes of this act, entry to premises of less than 200
7 acres or whose water usage, for irrigation purposes only, is less
8 than 150 acre feet per year shall be limited to one inspection per
9 year unless probable cause of violation is evident and after
10 written notice of said violation has been given or if said entry is
11 determined by the commission to be of an emergency nature.

12 (d) If any member, employee, or agent is refused the right to
13 enter in or on public or private property or to carry out a
14 function authorized under this section (authority), the executive
15 director may invoke the remedies under Sections (~~authorized-in~~
16 ~~Section~~) 26.123 and 26.136 of this code.

17 SECTION 2. This Act takes effect September 1, 1991.

18 SECTION 3. The importance of this legislation and the crowded
19 condition of the calendars in both houses create an emergency and
20 an imperative public necessity that the constitutional rule
21 requiring bills to be read on three several days in each house be
22 suspended, and this rule is hereby suspended.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE

March 28, 1991

TO: Honorable Carlos Truan, Chairman
Subcommittee on Water
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1060
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1060 (relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, JWH, DF, JG, PA

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3-9-91MAR 12 1991

Filed with the Secretary of the Senate

Read and referred to Committee on NATURAL RESOURCESSubcommittee on Water

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent

{ _____ yeas, _____ nays

Read second time, _____, and ordered engrossed by:

{ unanimous consent
a viva voce vote

{ _____ yeas, _____ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by:

{ A viva voce vote

{ _____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed_____
Sent to House

Engrossing Clerk _____

Received from the Senate_____
Read first time and referred to Committee on __________
Reported favorably amended, sent to Printer at __________
Printed and Distributed __________
Sent to Committee on Calendars __________
Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting._____
Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of
_____ yeas, _____ nays _____ present not voting._____
Caption ordered amended to conform to body of bill._____
Returned to Senate._____
CHIEF CLERK OF THE HOUSE_____
Returned from House without amendment._____
Returned from House with _____ amendments._____
Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

NR
WATER SUB